

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHAD WOOD,

Plaintiff,

-against-

VIACOMCBS/PARAMOUNT,

Defendants.

ORDER

22-CV-6323 (JHR) (KHP)

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/7/2023**

KATHARINE H. PARKER, United States Magistrate Judge.

On January 11, 2023, the U.S. Marshals Service attempted service on Defendant. (ECF No. 22.) Defendant refused service at that location, stating that the summons should be addressed to the Albany Headquarters instead.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendant ViacomCBS/Paramount through the U.S. Marshals Service, **the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant to the Albany Headquarters of ViacomCBS/Paramount.**

Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP

and the U.S. Marshals attempted service but was not able to execute service. The Court therefore extends the time to serve until 90 days after the date the revised summons is issued. If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

The Clerk of Court is directed to mail a copy of this order to the Plaintiff, issue a summons for ViacomCBS/Paramount, complete the USM-285 form with the Albany address for this defendant, and deliver all documents necessary to effect service, including this order and the ICMC scheduling order, to the U.S. Marshal's Service.

Dated: New York, New York
September 7, 2023

SO ORDERED.



KATHARINE H. PARKER
United States Magistrate Judge